

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

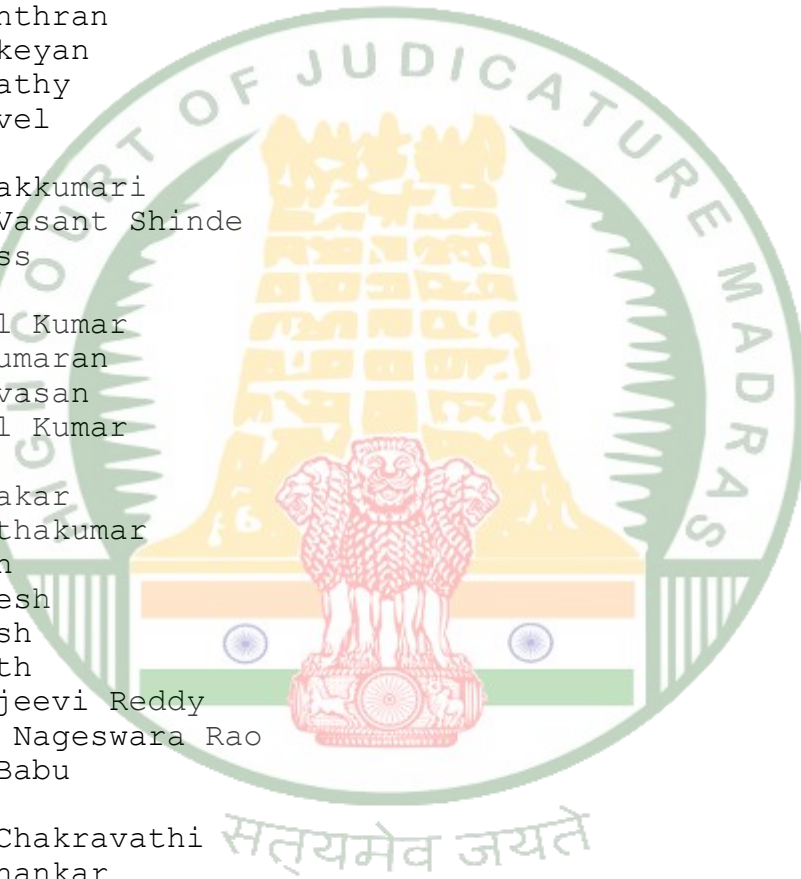
W.P.No.18549 of 2003

Sakthi Educational Trust,
Represented by its Chairman,
No.15, Corporation Colony,
Kodambakkam, Chennai - 600 024. .. Petitioner

.. Vs ..

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Fort St. George, Chennai - 600 009.
2. Anna University,
Rep. by its Registrar,
Guindy, Chennai - 600 025.
3. The All India Council for Technical Education,
Rep. by its Advisor (E & T),
IG Sports Complex, IP Estate,
New Delhi - 110 002.
4. Vijaya Samundeeswari
5. S.Saravanan
6. N.Bhama
7. T.S.Gracelin Jeba Malar
8. R.Vidhyavathi
9. S.Divya
10. R.Prathiba
11. L.Anand
12. D.Purushothaman
13. S.Senthil Kumar
14. R.Senthil Kumar
15. M.Vinoth KUmAr
16. G.Mahalakshmi
17. T.R.Akila Devi
18. A.K.Remya
19. V.Anitha
20. P.Thavamani
21. M.Balasubramanian
22. S.Thanigai Arasu

23. K.Kasilingam
24. K.Kandan
25. A.Velmurugan
26. R.Prabhu
27. V.Manikandan
28. S.Saravanan
29. A.Saravanabhavan
30. M.Saranya Devi
31. P.Krishna Moorthy
32. V.Kugan
33. S.Sathish Kumar
34. M.Gukulnath
35. L.P.Narenthran
36. P.Karthikeyan
37. B.Padmavathy
38. P.Murugavel
39. M.Ganesh
40. M.E.Veerakkumari
41. Saikant Vasant Shinde
42. A.Haridoss
43. S.Balaji
44. E.Senthil Kumar
45. R.Muthukumaran
46. R.Palanivasan
47. K.Senthil Kumar
48. A.Nathan
49. S.S.Sudhakar
50. A.M.Shanthakumar
51. P.Abilash
52. D.Venkatesh
53. B.M.Suresh
54. S.Gopinath
55. V.Chiranjeevi Reddy
56. Sadineni Nageswara Rao
57. G.Dilli Babu
58. B.Sujith
59. J.Anand Chakravathi
60. A.Shivashankar
61. D.Prithivirajan
62. S.Kamaraj
63. M.Hillary John
64. V.Jayakumar
65. A.Senthil
66. A.Agastin Raj
67. S.Muttharasan
68. R.Rajesh
69. K.Deiva Kumar
70. P.Manivelrasu
71. V.Selvakumar
72. T.Rajesh



WEB COPY

73. T.Kishore
74. M.Priyadharshini
75. P.Anandhi
76. R.C.Maharaja Pandian
77. V.Gajendran
78. J.Mohammed Halit
79. S.Vimal Raj
80. R.Ramesh Babu
81. R.Ajay Kumar
82. M.Hafeez Ansari
83. C.F.Frinto Francis
84. A.Anthuvan Henry Richard
85. K.Selvaganapathy
86. R.Suresh
87. Manoj Singh

.. Respondents

(Respondents 4 to 40 impleaded as per order of this Court dated 28.08.2003 in W.P.M.P.No.29562 of 2003)

(Respondents 41 to 87 impleaded as per order of this Court dated 17.10.2003 in W.P.M.P.No.32249 of 2003)

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for records in respect of the impugned order passed by the second respondent vide their proceedings in letter No.CEP/Au/SEC/2003, dated 25.06.2003 and quash the same and direct the second respondent to grant continuation of affiliation to the petitioner's College for the academic year 2003-2004.

For Petitioner : Mr.N.Fidellia
For R-1 : Mr.S.Pattabiraman,
Government Advocate
For R-2 : Mr.M.Vijayakumar

ORDER

This Court by order dated 17.10.2003, in W.P.M.P.No.32249 of 2003 in W.P.No.18549 of 2003 (this case) has passed the following order:-

"Sakthi Educational Trust, aggrieved by the order of the second respondent Anna University dated 25.06.2003 informing their decision to disaffiliate all the courses offered at Sakthi Engineering College, Oragadam, Mathur Post, Sriperumbudur Taluk, Kancheepuram District for the academic year 2003-2004 on the basis of the recommendations of the second inspection committee, has filed the above writ petition to

quash the same and to issue a direction to the second respondent to grant continuation of affiliation to the petitioner's College for the academic year 2003-2004.

2. It is brought to my notice that the petitioner institution has prayed for stay of the impugned proceedings, which was not granted. In the meanwhile, based on the claim of both parties and in order to ascertain the correct position this Court has appointed a Five Member Expert Committee to inspect the petitioner-Trust and submit a report with regard to the facilities and other infrastructure. The Committee consisting of five Professors inspected the petitioner-College on 27.02.2003 in the presence of Dr.S.Varadarajan, former Director of Technical Education, and submitted a report, in which it is stated as follows:-

"In the considered opinion of the Committee, Sakthi Engineering College, Oragadam, Chennakuppam Village, Kanchipuram District, in its present status does not satisfy the requirements of AICTE and the syllabi prescribed by Anna University."

3. No doubt, learned counsel appearing for the petitioner submits that they have grievance against the report and in fact they filed objection to the conclusion of the Expert Committee.

4. It is also brought to my notice that on 17.09.2003 WAMP.No.4627 and 4628 of 2003 in W.A.No.2928 of 2003 filed by the Education Trust came up before a Division Bench for further orders. The Division Bench, after referring the specific conclusion of the Expert Committee appointed by a learned Judge of this Court, has concluded as follows:-

"It is very significant that even the learned counsel appearing on behalf of the AICTE before us does not favour the continuance of the college and contends that though AICTE has taken a stand granting recognition to this institute in the beginning, ultimately, today, as the ground reality stands,

there cannot be any such recognition offered to the college. In that view, it is not felt necessary to interfere with the order of the learned Single Judge in refusing to grant stay. Status-quo order granted on 12.09.2003 is vacated. WAMPs are dismissed."

5. It is clear that the petitioner is not having any order including the order of status quo granted earlier. It is also clear that the Division Bench, after considering the report of the Expert Committee, vacated the limited order of status quo. It is also clear that AICTE is also not in favour of continuing the recommendation offered earlier to the petitioner-College.

6. In the light of these factual information, particularly the report of the Expert Committee holding that the petitioner Trust does not satisfy the requirements of AICTE and the syllabi prescribed by Anna University, I am of the view that interests of the students, who have joined in the petitioner's institution, have to be safeguarded. Accordingly, direction is issued to the Directorate of Technical Education, Sardar Patel Road, Chennai - 600 025, to redistribute the existing students of the petitioner Sakthi Educational Trust to the other Engineering Colleges affiliated to Anna University in co-ordination with the Anna University within a period of two weeks from the date of receipt of a copy of this order.

7. The petition is ordered accordingly."

2. The present dispute with regard to affiliation relates to the year 2003-2004. Now, AICTE regulations have been changed drastically. The grant of affiliation is now governed by the recent judgment of the Hon'ble Apex Court in the case of Parshavanath Charitable Trust & Others Vs. All India Council for Tech. Edu & Others reported in CDJ 2012 SC 892.

3. In the light of the aforesaid developments, nothing survives in this petition and accordingly, this Writ Petition is dismissed as infructuous. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai - 600 009.
2. The Registrar,
Anna University,
Guindy, Chennai - 600 025.
3. The Advisor (E & T),
The All India Council for Technical Education,
IG Sports Complex, IP Estate,
New Delhi - 110 002.

+lcc to Mr.M. Vijayakumar, Advocate, S.R.No.2280
+lcc to the Government Pleader, S.R.No.2104

ca(CO)
md(30/01/2017)

सत्यमेव जयते

W.P.No.18549 of 2003

WEB COPY